

Rules of Appellate Procedure

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Rule 65. Opinions And Memorandum Decisions

A. Criteria for Publication. All Supreme Court opinions shall be published [in the official reporter](#). A Court of Appeals opinion shall be published [in the official reporter and be citable](#) if the case:

- (1) establishes, modifies, or clarifies a rule of law;
- (2) criticizes existing law; or
- (3) involves a legal or factual issue of unique interest or substantial public importance.

Other Court of Appeals cases shall be decided by ~~not-for-publication~~ memorandum decision [that are not published in the official reporter and are not citable except as provided in \(B\)](#). A judge who dissents from a ~~not-for-publication~~ memorandum decision may designate the dissent for publication [in the official reporter](#) if one (1) of the criteria above is met.

B. Time to File Motion to Publish. Within ~~thirty (30)~~[fifteen \(15\)](#) days of the entry of the decision, a party may move the Court to publish [in the official reporter](#)

any ~~not-for-publication~~ memorandum decision which meets the criteria for publication [in the official reporter](#).

C. Official Reporter. West's Northeastern Reporter shall be the official reporter of the Supreme Court and the Court of Appeals.

D. Precedential Value of ~~Not-For-Publication~~ Memorandum Decision. Unless later designated for publication [in the official reporter](#), a ~~not-for-publication~~ memorandum decision [issued before January 1, 2015](#), shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish *res judicata*, collateral estoppel, or law of the case. [A memorandum decision issued after January 1, 2015, may be cited to any court for persuasive value but not as binding precedent. A party or attorney has no duty to cite a memorandum decision.](#)

E. Certification of Opinion or ~~Not-For-Publication~~ Memorandum Decision.

The Clerk shall serve uncertified copies of any opinion or ~~not-for-publication~~ memorandum decision by a Court on Appeal to all counsel of record, unrepresented parties, and the trial court at the time the opinion or memorandum decision is handed down. The Clerk shall certify the opinion or memorandum decision to the trial court or Administrative Agency only after the time for all Petitions for Rehearing, Transfer, or Review has expired, unless all the parties request earlier certification. If the Supreme Court grants transfer or review, the

Clerk shall not certify any opinion or memorandum decision until final disposition by the Supreme Court. The trial court, Administrative Agency, and parties shall not take any action in reliance upon the opinion or memorandum decision until the opinion or memorandum decision is certified.

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